

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:10-CV-111-FL

JONATHAN W. SUPLER, on behalf of
himself and all others similarly situated,
Plaintiff,
v.
RGS FINANCIAL, INC., a Texas
Corporation; and JOHN AND JANE DOES
NUMBERS 1 THROUGH 25,
Defendant.

ORDER

RGS FINANCIAL, INC., a Texas
Corporation; and JOHN AND JANE DOES
NUMBERS 1 THROUGH 25,
Defendant.

This matter initiated by complaint filed in March 2010, is before the court on the parties' motion for extension of time (DE # 18) to file a supplemental joint status report and discovery plan. Said plan was due November 8, 2010.

The instant motion appears not to reflect that when that deadline passed with no filings, the court entered a scheduling order that set the dispositive motions deadline for December 27, 2010, and jury trial for the May 16, 2011. The time to ask for an extension of a deadline is before expiration of the same. The deadline for complying with the court's prior order, has long since passed and upon failure to report, the court issued subsequent order establishing the case schedule. The relief requested, born of a meeting undertaken eleven (11) days after expiration of the November 8, 2010, deadline set by order entered July 14, 2010, is not tailored to the procedural posture of this case nor grounded in sufficient cause. No attempt has been made to explain the parties' failure timely to comply. As such, the motion is DENIED.

The court will of its own initiative, where the parties promote focus on settlement, extend the dispositive motions deadline now to January 27, 2011. The case remains set for jury trial on the court's docket for that civil term of court beginning May 16, 2011 at the United States Courthouse, New Bern, North Carolina. All other terms and conditions of the court's prior orders on scheduling, except as herein amended, remain in force and effect.

SO ORDERED, this the 9th day of December, 2010.



LOUISE W. FLANAGAN
Chief United States District Judge